

REMARKS

In response to the Final Rejection , each rejection item will now be discussed in conjunction with the above amendment:

- I. The provisional rejection of Claim 49 over Claim 1 of copending Application 09/781,964. Claim 1 of the copending application has been withdraw and will be canceled as a result of a restriction requirement.
- II. The rejection of claims 49-78 and 80 under 35 USC 112. The claims have been amended to comply with the Examiner's requirements with the exception of the objections related to the term "time series. As related in previous response according to Webster (2003 Barnes & Noble Publishing Inc, ISBN 0-7607-4975-2, page 1985) a time series is "a set of observations, results, or other data obtained over a period of time. Usually at regular intervals: monthly sales figures, quarterly inventory data, and daily bank balances are all time series." A tax rate time series as claimed in claim 70 is a tax rate for each month of the analysis time horizon that is used in the financial model. As tax rates can change over time and might be known to change in the future, it is important to be able to manually edit such tax rates as different tax rates might apply over the project life time. The

present invention uses the tax rate for each respective month to calculate the resulting tax payment obligations. In a conventional financial model the tax calculations are hard-coded into a spreadsheet. It is the improvement of the present invention to make that step redundant. Once a “time series” has been defined as indicated by the this and previous Office Actions office actions, it is submitted that whether it is a “loan disbursement time series” or a capital expenditure time series” does not detract from its meaning but only address the subject matter to which a time series is applied. It is known in the art what constitutes a “loan disbursement” or a “capital expenditure”. Ordinary business terminology definitions apply to “loan disbursement” or to “capital expenditure”. Thus the rejection under 35 USC is traversed.

III. The rejection of Claims 49,51-53, 55-56, 60-61, 63, 66-69, 73-74,75-77 and 80, as unpatentable over Belcsak (US 2005/0182709) in view of King (US 5,704,045), it is submitted that Belcsak concerns a Computer Aided Design-like financial modeling environment having and “instrument “feature. Instruments are kept in a library and can be accessed by users. Such a library could but did not at the time of disclosure) contain limited recourse instruments. According to the Examiner’s opinion, “it would have been obvious to modify the financial simulation

method of Belcsak to include the limited recourse tools of King because this would provide elements to reduce risk associated with simulated loans." However, it is important that it be known that King does not describe limited resource tools in project finance. King '045 contains a description of setting up an insurance exchange/entity which would inherently use IT technology to track transactions and different capital types. Instead of limited recourse tools as used in project finance, King provides a way of organizing an insurance business and ensuring that the exchange/entity can fulfill its obligations by allowing the insurance entity to accept risks and allocate capital to statutory reserve accounts. This arrangement is not a "limited recourse instrument as used in project finance" and is, in fact, fundamentally different from the limited recourse instruments used in project finance and does not describe debt service reserve accounts as used in project finance models. Therefore, assuming arguendo, even if all teachings of King could be incorporated into Belcsak, the presently claimed invention of claim 49 would not result. Dependent claims 51-53, 55-56, 58, 60-61, 63, 66-69, and 73-74 contain all the limitations of independent claim 49 and are thus also submitted as allowable based on the above amendment to address the 112 issues in a manner

consistent with the Examiner's requirements. Claims 75-80 are canceled. Concerning the Examiner's interpretation of "disbursement schedule" to constitute a schedule of disbursements to pay off a loan, Applicant disagrees: such a schedule would be called a repayment schedule in terminology of the present disclosure. With respect to the the statement in claim 56 concerning "cash flow income statement", this issue was addressed by the Supplemental Amendment of June 20, which corrected an error by inserted a comma between "cash flow" and "income statement" thus providing a proper recitation of three elements.

- IV. The rejection of Claims 57, 59, 62, 64, 71 and 78 under 35 USC 103 over the above two references and further in view of "Dictionary of Finance and Investment Terms". Each of these claims contain the limitations of Independent Claim 49 and even accepting the showings of the "Dictionary" as indicated by the Examiner, the combined references fail to disclose method of independent claim 49.
- V. The rejection of claims 65 and 70 under 35 USC 103 over the Belcsak and King references and further in view of "College Accounting, Seventh Edition". Each of these claims contain the limitations of Independent Claim 49 and even accepting the

showings of the "College Accounting, Seventh Edition" as indicated by the Examiner, the combined references fail to disclose method of independent claim 49.

- VI. The rejection of Claims 72 and 75. These claims have been canceled.
- VII. The indication of allowance of claims 50 and 54 if rewritten to overcome the rejection under 35 USC 112 and to include all the limitations of the base claim and any intervening claims. Claims 50 and 54 are now in independent form including the limitations of base claim 49 and including the required changes to address the requirements of the Examiner concerning 35 USC 112.

Therefore allowance of this application is respectfully requested in view of the distinguishing features between the claimed invention and the references and in view of the changes to address the 35 USC 112 rejection. These changes do not raise any new issues not previously considered and have been made to satisfy the requirements of the Examiner.

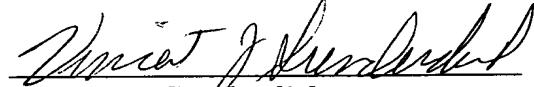
If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 038659.49088).

Respectfully submitted,

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